

Serial No.: 10/541,633

### **STATUS OF CLAIMS**

Claims 1-15 are pending in the application. Claims 1, 2, and 9 have been amended. New claim 16 has been added. Support for the amendments to claims 1, 2, and 9 is found in the original claims and specification as filed and specifically, from page 25, line 27 to page 26, line 3. Support for new claim 16 is found in the specification in Example 3.2. No new matter has been added.

### **REMARKS**

Restriction is required to one of the following allegedly distinct inventions:

- I. Group I, claim(s) 1-4, are drawn to method for the prophylaxis or treatment of at least one viral disease comprising administering a physiologically effective dose of a pharmaceutical composition at least one active ingredient inhibiting a component of the NF- $\kappa$ B signal transduction pathway such that a virus multiplication is inhibited;
- II. Group II, claim(s) 5 and 6, are drawn to a combination preparation for the prophylaxis and/or therapy of at least one viral disease, comprising at least two different active ingredients, wherein the combination preparation is in the form of a mixture or as individual components for the simultaneous or non-simultaneous application at identical or different places sites;
- III. Group III, claim(s) 7 and 8, drawn to a method for the prophylaxis or therapy of an infection by negative-strand RNA viruses comprising influenza viruses or Borna viruses, comprising administering a physiologically effective dose of the combination preparation of claim 5;
- IV. Group IV, claim(s) 9-13, are drawn to a test system for identifying active ingredients, which act on at least one component of the NF- $\kappa$ B signal transduction pathway such that a virus multiplication is substantially inhibited;
- V. Group V, claim 14, drawn to a method for identifying at least one active ingredient for the prophylaxis or therapy of viral diseases, said active ingredients substantially inhibiting the multiplication of viruses in viral diseases;

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VI. Group VI, claim 15, drawn to a method for preparing a drug for the prophylaxis and/or therapy of at least one viral disease, said drug inhibiting the multiplication of viruses in the case of viral diseases.

In response, pursuant to 35 U.S.C. 121 and 372, Applicants hereby elect the Group I claims, i.e. claims 1-4, for prosecution on the merits.

Election of a single disclosed species is also required as follows:

- 1) NF- $\kappa$ B signal as listed in claim 2;
- 2) One active ingredient as listed in claim 3

In response, regarding the NF-KB signal as listed in claim 2, Applicants elect the NF-kB signal species wherein NF-kB is inhibited, comprising inhibitor of NF-kB kinase alpha (IKKalpha), inhibitor of NF-kB kinase beta (IKKbeta), and inhibitor of kB (Ikb). Regarding one active ingredient as listed in claim 3, Applicants elect acetylsalicylic acid.


#### Fees

Any fees due and owing as a result of this Amendment may be charged to the undersigned attorney's PTO Deposit Account 50-0147.

#### Conclusion

Applicants submit that the claims are in condition for allowance. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,



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